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DECONSTRUCTING IMPUNITY: THE DAMASCUS VERDICT, LEGAL INNOVATION AND AUTOCRATIC COLLAPSE.

A DISCUSSION POINT

BY

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INTRODUCTION

You may be aware that a few days ago, the Syrian Fourth Circuit Criminal Court in Damascus has sentenced the ousted Syrian President Bashar al-Assad, his brother Maher, and cousin Atef Najib to death for war crimes and crimes against humanity. This historic ruling marks the first domestic legal reckoning following the regime's December 2024 collapse.

Through integration of international law doctrines into domestic statutes, the Syrian judiciary successfully bypassed traditional head-of-state immunity clauses that are embedded in the constitution.

Judge Fakhr al-Din al-Aryan who delivered the judgment convicted Assad of premeditated murder, the intentional killing of minors, widespread torture, and systemic arbitrary detention. This approach bridges the gap between local courts and international tribunals like the International Criminal Court (ICC) established under the Room Statute.

While the Assad brothers were sentenced in absentia due to their asylum in Russia, Atef Najib was tried in person. Stripped of his senior military rank, his appearance in a courtroom cage signaled absolute legal de-platforming. This is, however, not a new incident, but what is novel here is the ability of the Syrian court to bypass domestic

constitutional immunity clauses to apply international law through the domestic instrument.

Every cycle of authoritarian regimes collapses has maintained a common pattern of authoritarian karma. Let's look at some historical cycle.

The Historical Cycle of Authoritarian Downfall:

Dictators are often trapped by the existential fear that the oppressive state apparatus they weaponized will eventually turn against them. This is why whenever every dictator playbook crosses a ribiccon , they do all they can to hold onto power even if it destroys the country and lead to civil war. The reason is simple. They have created or introduced into the system oppressive authoritarian and anti-democratic institutions that scare sense into them that if they leave power those institutions they constructed or the instruments will be used against them.

History reveals a predictable cycle where systems built on coercion ultimately consume their creators. Yet, they can never be too sure of two things. Ability to quell a revolution when it arises, or if their authoritarian strikes lead to civil war, ability to permanently win against the revolting citizenry.

Let's take a look at some of them.

Saddam Hussein of Irag:

Saddam Hussein converted state security into an instrument of mass atrocity. Following his ouster, an Iraqi tribunal used his own regime's meticulous bureaucratic records to secure his 2006 execution.

Nicolae Ceauşescu of Romania:

Nicolae communist dictatorship dissolved when the military defected during a 1989 popular uprising. He and his wife were executed by the very forces they had commanded days prior.

Louis XVI of France:

The absolutist precedents of the French Crown were dismantled during the revolution, leading to the king's execution and a multi-generational backlash against the aristocracy. We can go on and on. But that will be a long historical sequence.

Institutional Implications of Authoritarianism: My Advisory Opinion

The Assad regime’s collapse underscores the structural brittleness of autocracy. This Damascus precedent serves as a stark warning to people holding public offices globally. No matter how long it may take, absolute power is inherently temporary. When rulers dismantle judicial independence and crush dissent, they compromise the exact legal frameworks they will need for self-preservation and protection once power shifts.

Enduring political stability is never achieved through coercion, but rather through a transparent, rule-of-law legacy that can survive a leader's inevitable departure from office.

To this end, nothing serves a political leader better than the preservation of a system of rule of law and independence of the judiciary. Even if he loses power, as power is naturally transient, his family and legacy will not be negatively affected by Vendetta, which draws strength from the very oppressive institutions he constructed.

Authoritarian karma can be generational and spartial. It sometimes leads to elimination and trial of heritage beyond the dictator. His family members, in-laws, and core enablers are often at risk at the end of the regime. This is why family members of public office holders should always endeavor to remind their leader not to turn away tyranny. When the karma of authoritarianism comes, it usually transcends beyond the dictator to people deemed to have enabled him and his family members who encouraged him.

With all my heart love, God bless you.

~ **Prof. Cyprian Edward-Ekpo** is a globally renowned legal scholar, author, public international law and international environmental law specialist, and human rights advocate. He is widely recognized for his leadership roles in global and regional legal research institutions, as well as his outspoken public commentary on governance, constitutional law, and international relations. He can be reached via email: cyprian.edward@uniserl.education and cyprian.edward@ilawdun.us